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121 -

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,610	10/04/2001	Ryan Raz	VERACE 3.0-010 CONT	3615
7590	02/12/2007		EXAMINER	
			STARKS, WILBERT L	
			ART UNIT	PAPER NUMBER
			2121	

VERACEL INC.
59 ADELAIDE STREET
EAST, 4TH FLOOR
TORONTO, ON M5C1K9
CANADA

DATE MAILED: 02/12/2007

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1199 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1199 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.



UNITED STATES PATENT AND TRADEMARK OFFICE



7590

02/12/2007

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**CORRECTED
NOTICE OF ALLOWANCE AND FEE(S) DUE**

VERACEL INC.
59 ADELAIDE STREET
EAST, 4TH FLOOR
TORONTO, ON M5C1K9
CANADA

EXAMINER	
STARKS, WILBERT L	
ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 02/12/2007

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,610	10/04/2001	Ryan Raz	VERACE 3.0-010 CONT	3615

TITLE OF INVENTION: NEURAL NETWORK ASSISTED MULTI-SPECTRAL SEGMENTATION SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	05/14/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and **send** this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
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Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

FEB 26 2007

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

02/12/2007

VERACEL INC.
59 ADELAIDE STREET
EAST, 4TH FLOOR
TORONTO, ON M5C1K9
CANADA

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,610	10/04/2001	Ryan Raz	VERACE 3.0-010 CONT	3615

TITLE OF INVENTION: NEURAL NETWORK ASSISTED MULTI-SPECTRAL SEGMENTATION SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	05/14/2007
EXAMINER	ART UNIT	CLASS-SUBCLASS				
STARKS, WILBERT L		2121	706-020000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. _____
2. _____
3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Notice of Allowability

Application No.	Applicant(s)
09/870,610	RAZ, RYAN
Examiner	Art Unit
Wilbert L. Starks, Jr.	2121

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included
herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS
NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative
of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the filing of 04 OCT 2001.

2. The allowed claim(s) is/are 1-28.

3. The drawings filed on 04 October 2001 are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this national stage application from the
International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements
noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date ____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(e)) should be written on the drawings in the front (not the back) of
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the
attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/5
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date ____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other ____.



DETAILED ACTION

Reasons For Allowance

1. **Claims 1-28 are allowed.**
2. **The following is an Examiner's statement of reasons for allowance:**
3. **The cited prior art taken alone or in combination fails to teach the claimed invention of a neural network assisted multi-spectral segmentation system, as claimed by Applicant. Specifically:**
4. **Independent claim 1 discloses an "analyzing step utilizing previously developed classification information for discriminating nuclear or cytoplasmic material, the previously developed classification information being developed from at least one cell of known regions of nuclear or cytoplasmic material."**
5. **The closest prior art of Raz (U.S. Patent Number 6,463,425 B2; dated 08 October 2002; class 706; subclass 20) teaches the claimed invention of a neural network assisted multi-spectral segmentation system, as claimed by Applicant, but fails to teach or suggest an "analyzing step utilizing previously developed classification information for discriminating nuclear or cytoplasmic material, the previously developed classification information being developed from at least one cell of known regions of**

nuclear or cytoplasmic material." To the extent that this feature is not found in the prior art cited by Examiner, the present case is held allowable over the art of record.

6. Independent claim 17 discloses "at least one first digitized image in a wavelength of between 525 to 575 nanometers, at least one second digitized image in a wavelength of between 565 to 582 nanometers, and at least one third digitized image in a wavelength of between 625 to 635 nanometers."

7. The closest prior art of Raz (U.S. Patent Number 6,463,425 B2; dated 08 October 2002; class 706; subclass 20) teaches the claimed invention of a neural network assisted multi-spectral segmentation system, as claimed by Applicant, but fails to teach or suggest "at least one first digitized image in a wavelength of between 525 to 575 nanometers, at least one second digitized image in a wavelength of between 565 to 582 nanometers, and at least one third digitized image in a wavelength of between 625 to 635 nanometers." To the extent that this feature is not found in the prior art cited by Examiner, the present case is held allowable over the art of record.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Zahniser et al. (U.S. Patent Number 6,665,060 B1; dated 16 December 2003; class 356; subclass 039) discloses a cytological imaging system and method.
- B. McNamara et al. (U.S. Patent Number 6,007,996; dated 28 December 1999; class 435; subclass 006) discloses an in situ method of analyzing cells.
- C. Cabib et al. (U.S. Patent Number 6,690,817 B1; dated 10 February 2004; class 382; subclass 134) discloses spectral bio-imaging data for cell classification using internal reference.
- D. Haykin, Simon, "Neural Networks: A Comprehensive Foundation", Macmillan College Publishing Company, Englewood Cliffs, New Jersey, 1994, pp. 138-229.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

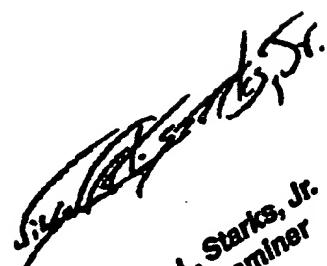
10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (703) 305-0027.

Alternatively, inquiries may be directed to the following:

S. P. E. Anthony Knight (703) 308-3179
After-final (FAX) (703) 746-7238
Official (FAX) (703) 746-7239
Non-Official/Draft (FAX) (703) 746-7240

WLS

16 September 2004



Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121

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PTO/SB/06A (10-01)

Approved for use through 10/31/2002, OMB 0651-0031

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Substitute for form 1449A/PTO

Complete If Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Patent Application Number

09/970,610

Filing Date

October 4, 2001

First Named Inventor

Ryan Raz

Art Unit

2422 2/21

Examiner Name

Not Yet Assigned

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APR 16 2002

BOSTON 572 RIC
Technology Center 2100

Attorney Docket Number

VERACE 3.0-010 CONT

11/2001

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11/2001



PTO/SB/088 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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Complete If Known

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

2

of

2

Application Number

09/970,610

Filing Date

October 4, 2001

First Named Inventor

Ryan Raz

Group Art Unit

2122-2121

Examiner Name

Not Yet Assigned

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APR 16 2002

Technology Center 2100

Attorney Docket Number

VERACE 3.0-010 CONT

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
WS	CA	EVAN PRESTON, TOM BERGMAN, RON GORENFLO, DAVE HERMANN, ED KOPALA, TOM KUZMA, LARRY LAZOFSON AND RANDY ORKIS, Development Of A Field-Portable Imaging System For Scene Classification Using Multispectral Data Fusion Algorithms, IEEE 1994 National Aerospace & Electronics Conference (NAECON) Dayton, US, 23-27 May, volume 2, pages 1090-1097 XP000647232.	
	CB	M. HERBIN, A. VENOT, J.Y. DEVAUX and C. PIETTE, IEEE Transactions On Medical Imaging, vol. 9, no. 3, September 1990, New York, US, pages 262-269, XP000159489.	
	CC	W. REID THOMPSON, Global Four-Band Spectral Classification Of Jupiter's Clouds: Color/Albedo Units And Trends, see page 54, right-hand column, line 20-line 31.	

Examiner Signature

Date Considered

16 SEP 04

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/USPTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

1

Complete If Known

Application Number	09/970,610
Filing Date	October 4, 2001
First Named Inventor	Ryan Raz
Art Unit	2422 - 2121
Examiner Name	Not Yet Assigned
Attorney Docket Number	VERACE 3.0-010 CONT

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7 2002
center 2100

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)	MM-DD-YYYY		
CC	AA	5,889,880	03-30-1999	Doerner et al.	
AB	AB	5,939,278	08-17-1999	Boon et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ - Number-Kind Code ⁴ (if known)	MM-DD-YYYY			
CC	BA	WO 97/04419	02-06-1997	Morphometrix Technologies Inc.		
	BB	WO 97/11350	03-27-1997	Morphometrix Technologies Inc.		
	BC	WO 99/01842	01-14-1999	Neopath, Inc.		
	BD	WO 99/04244	01-28-1999	Accumed International, Inc.		

*Applicant's unique citation designation number (optional). ²See attached Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

Examiner Signature S. RAZ Date Considered 16 SEP 04

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under
		09/970,610	Reexamination RAZ, RYAN
Examiner	Wilbert L. Starks, Jr.	Art Unit 2121	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,665,060 B1	12-2003	Zahniser et al.	356/39
B	US-6,007,996	12-1999	McNamara et al.	435/6
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

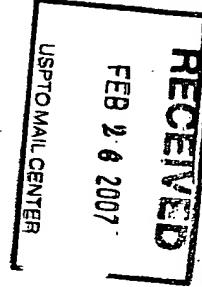
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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